REMARKS

Claim 1 *inter alia* calls for accessing the second partitioned section upon a system boot. In his additional comments, the Examiner indicates that "upon" a system boot is interpreted as an access that occurs at any time after a boot.

While the Patent Office is charged with using the broadest reasonable claim construction, such construction is not the broadest reasonable claim construction. Merriam Webster's Collegiate Dictionary, 10th Edition, attached as Exhibit A, indicates that the word "upon" means "on." That same dictionary has a number of definitions of "on." None of those correspond to "at any time after an event occurs."

To the contrary, definition 3 seems the only appropriate one, given the context. There, it is indicated that "on" is used as a functional word to indicate a time frame during which something takes place, giving the example "a parade on Sunday." That exact example would not appear to apply since there is no specific time that is provided after "on" in claim 1. The other alternative in definition 3 is "an instant, action, or occurrence when something begins or is done." Here, the examples are "on cue," "on arriving home," or "news on the hour," as well as "cash on delivery." Clearly, this latter definition is the one that is appropriate. Namely, in claim 1, "upon" defines an instant, action, or occurrence when something begins or is done. Thus, "upon a system boot" means that the access of the partitioned section begins or is done when system boots. It does not include the situation where the accessing takes place anytime after a system boot.

Therefore, reconsideration of the rejection of claim 1 is respectfully requested. On the same basis, claim 7 should patentably distinguish over the cited art.

Respectfully submitted,

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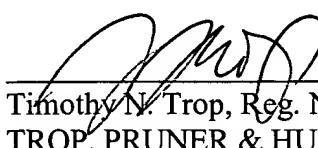
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